

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-222737

DATE: April 15, 1986

MATTER OF: Whittaker Controls, Inc.

DIGEST:

1. GAO will not consider a protest that a procurement should be conducted on a sole-source basis with the protester since the objective of GAO's bid protest function is to insure full and free competition for government contracts.
2. A protest that is based upon speculation as to possible future agency conduct is premature and will not be considered.
3. GAO will not review an affirmative determination of responsibility except in limited circumstances.

Whittaker Controls, Inc. (Whittaker), protests the award of a contract to any company other than itself under solicitation No. F04606-86-R-0440, issued by the Department of the Air Force. We dismiss the protest.

Whittaker asserts that, as the original designer and manufacturer of the component being procured under the solicitation, it has reason to doubt that other qualified sources for the item exist. Whittaker alleges that while the procurement history of the component reveals some prior awards by the government to surplus suppliers, direct contact by Whittaker with several suppliers has shown that at present, a sufficient surplus does not exist to satisfy the Air Force's needs. Consequently, Whittaker does not believe that any other offeror that responds to the solicitation will be able to perform as required.

We will not review a protest that an agency should award a contract on a sole-source basis, since the objective of our bid protest function is to insure full and free competition for government contracts. Nuclear Metals, Inc., 64 Comp. Gen. 290 (1985), 85-1 C.P.D. ¶ 217.

Moreover, Whittaker's allegation concerning the ability of any other offeror to perform the contract pertains to

035160

37142

that offeror's responsibility. Bay Decking Co., Inc., B-216248, Jan. 22, 1985, 85-1 C.P.D. ¶ 77. The contracting agency must determine an offeror responsible before making an award. Freund Precision, Inc., B-216620, Oct. 23, 1984, 84-2 C.P.D. ¶ 456. Whittaker essentially is speculating that the Air Force will eventually find an offeror other than Whittaker to be responsible. A protest that merely anticipates agency action is premature and will not be considered by this Office. Triple P Services, Inc., B-217320, Jan. 2, 1985, 85-1 C.P.D. ¶ 11.

Finally, even if the Air Force does find another offeror responsible, we will not likely review the matter. Because responsibility determinations are inherently judgmental, contracting agency's are afforded wide discretion in the area, and this Office will not review an agency's affirmative determination of responsibility absent fraud or bad faith, or a failure to apply definitive responsibility criteria, neither of which Whittaker has alleged here. 4 C.F.R. § 21.3(f)(5) (1985).

The protest is dismissed.



Robert M. Strong
Deputy Associate General Counsel